

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.594 OF 2007
WITH
CIVIL APPLICATION NO.1140 OF 2007**

Mita Sumersingh Gusar @ Neeta ..Appellant
Samir Singh Gusar

V/s.

The Maharashtra Housing and Area ..Respondent
Development Authority

Appellant in person
Mrs.Geeta Mulekar, AGP for the respondent

CORAM : SMT.R.S.DALVI, J.

DATE : 16TH APRIL, 2007

P.C.

1. This appeal challenges by the impugned Judgment of the City Civil Court, Mumbai dated 7th December, 2006 under which the appellant's suit for protection of her structure against the demolition by the respondent has been dismissed.

2. The appellant appears in person. She states that she told her earlier advocate to return her documents and has appointed a new advocate. The earlier advocate has not returned the documents.

The new advocate has not appeared.

3. It is her case that her structure is authorized and she has all the relevant public documents. She has an electricity connection and has paid electricity bills. She has also ration card and her name has been on the voting list since 1995.

4. The documents produced by her are perused by this Court. They have been considered by the learned trial Judge.

5. The appellant has relied upon the private documents which are unregistered and inadmissible in evidence. The public documents do not pertain to the suit premises. The suit premises for which the appellant claims protection is room No.1/3 next to servants' quarter. The public documents relied upon by the appellant are for room No.1 and not for room No.1/3.

6. The advocate on behalf of the respondent has

shown that room No.1/3 is outside the servants' quarter and that room No.is unauthorized.

7. The appellant had applied for regularization of her structure which is room No.1/3. Consequently, a letter of the respondent dated 30th December, 1998 makes a reference to her address at room No.1/3 in servants' quarter.

8. The appellant has not made out any case and the learned Judge has correctly considered all the documents. The appeal is dismissed under 0.41, R.11 of the C.P.C. The appellant has been explained this order.

(SMT.R.S.DALVI, J.)